

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:11-00199

BERNIE DWAYNE LAMB

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On October 28, 2014, the United States of America appeared by Steven I. Loew, Assistant United States Attorney, and the defendant, Bernie Dwayne Lamb, appeared in person and by his counsel, Rhett H. Johnson, Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Lilla Adkins. The defendant commenced a three-year term of supervised release in this action on January 21, 2014, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on May 24, 2012.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant violated state and local law inasmuch as on April 14, 2014, he was arrested and charged with first offense driving under the influence and drove on a revoked/suspended license as evidenced by the defendant's stipulation on the record of the hearing that the government possesses sufficient proof to prove the offenses by a preponderance of the evidence, the defendant having also admitted to the probation officer on April 17, 2014, that he had drunk alcohol to excess and had driven on a revoked/suspended license on April 14, 2014; (2) the defendant violated state and local law inasmuch as on April 29, 2014, he was arrested and charged with driving without a driver's license and speeding; (3) the defendant failed to secure verifiable employment since the commission of supervised release on January 21, 2014; (4) the defendant used and possessed marijuana as evidenced by positive urine specimens submitted by him on July 31 and October 2, 2014, and his admission to the probation officer that he had used marijuana on October 1, 2014; (5) the defendant failed to appear for drug testing as directed on February 6 and July 15,

2014; (6) the defendant failed to pay the special assessment as directed by the court; and (7) the defendant failed to abide by the special condition that he spend six months at Dismas Charities inasmuch as he entered the facility on July 31, 2014, and on August 12, 2014, he absconded from the facility and failed to return rendering his whereabouts unknown; the defendant having admitted (2) through (7) set forth above on the record of the hearing.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

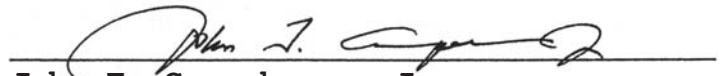
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the

United States Bureau of Prisons for imprisonment for a period of TEN (10) MONTHS, to be followed by a term of twenty-six (26) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further conditions that the defendant not commit another federal, state or local crime and that he pay the \$100 special assessment beginning on the first day of the second month of supervised release at the rate of \$25, with payment due on the first day of each month thereafter until paid in full.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: November 17, 2014


John T. Copenhaver, Jr.
United States District Judge